

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
HIRANO et al.

Art Unit: 1656

Application No.: 10/784,986

Examiner: Gebreyesus, Kagnew H.

Filing Date: February 25, 2004

Attorney Ref. No.: US-109

For: NOVEL LYSINE  
DECARBOXYLASE GENE AND  
METHOD FOR PRODUCING  
L-LYSINE

Confirmation No.: 1388

**REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants gratefully acknowledge receipt of the Notice of Allowance and Issue Fee Due mailed from the USPTO in the above-captioned application on June 25, 2007. However, in our review of the file, we have noticed that Information Disclosure Statements ("IDS") submitted on December 22, 2004 and January 4, 2005 contain references that were not initialed and never properly considered by the Examiner. We hereby submit the following papers.

- Copy of the PTO-1449 (the IDS of January 4, 2005) returned by the Examiner on March 31, 2005, wherein the EP 0 472 947 reference has not been initialed by the Examiner
- Copy of the PTO-1449 (the IDS of December 22, 2004) returned by the Examiner on March 31, 2005, wherein only one of 18 cited U.S. patent references appears to have been initialed by the Examiner.

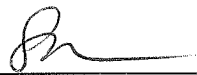
We hereby request consideration and initialing of the PTO-1449 documents by the Examiner. We also request issuance of a corrected Notice of Allowability indicating consideration of these cited references. Please send this document along with the initialed copies of the PTO-1449 documents to the address of record.

It is also further noted that a typographical error appears in Claim 6 on the Examiner's Amendment. No fee should be required as this is a PTO error. Therefore, claim 6 should be corrected as follows:

6. The DNA of claim 3, which is isolated from the genome of a ~~Methylophitus~~ Methylophilus bacterium.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned hereby authorizes any such charges to be charged to our deposit account 50-2821.

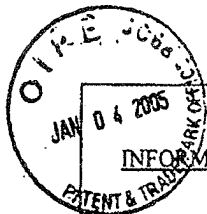
Respectfully submitted,

By:   
Shelly Guest Cermak  
Registration No. 39,571

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Date: June 26, 2007



FORM PTO 1449	ATTY. DKT. NO.: US-109	APP. NO.: <b>10/784986</b>
<u>INFORMATION DISCLOSURE STATEMENT</u>		
APPLICANT(S): Hirano et al.		
FILING DATE: 2-25-2004		Group Art Unit: 1652

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	EP 0 472 947	4 Mar. 1992	EPO	C12P	13/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
KE	French Patent Application 04 01873 Search Report by French Patent Office	28 Oct. 2004	France			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

KE	Lereverend, T., et al., "Improved lysine-overproducing strains using recombinant DNA", Proceedings of the International Symposium on the Genetics of Industrial Microorganisms, Vol. 4, 1982, page 113, XP-000978422

EXAMINER <i>Kaplan G. Jones</i>	DATE CONSIDERED <i>03/18/05</i>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

FORM PTO 1449  <b>INFORMATION DISCLOSURE STATEMENT</b>	ATTY. DKT. NO.: US-109	APP. NO.: 10/784986
	APPLICANT(S): Hirano et al.	
	FILING DATE: 2-25-2004	Group Art Unit: 1652

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	2004/0146974	7-29-2004	Gunji et al.			11-20-2003
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	2004/0142435	7-22-2004	Gunji et al.			11-20-2003
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	09/926299		Gunji et al.			10-9-2001
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	2004/0170986	9-2-2004	Usuda et al.			2-28-2003
	2004/0170985	9-2-2004	Usuda et al.			2-28-2003
	10/791853		Takeshita et al.			3-4-2004
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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
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						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)


EXAMINER <i>Kay G. Y.</i>	DATE CONSIDERED <i>03/18/05</i>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	